

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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NANCY BROOKS AND JOAN SILVERMAN,	:
	:
Plaintiffs,	:
	:
v.	:
	:
AIG SUNAMERICA LIFE ASSURANCE	:
COMPANY,	:
	:
Defendant.	:
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**AMENDED JOINT STATEMENT AND  
SCHEDULING ORDER PURSUANT TO LOCAL RULE 16.1**

In accordance with the provisions of Fed. R. Civ. P. 26(f) and Local Rule 16.1(D), counsel for Plaintiffs and Defendant have conferred concerning a proposed pretrial schedule that includes a plan for discovery and a proposed schedule for the filing of motions.

**I. JOINT DISCOVERY PLAN**

**A. FACT DISCOVERY**

1. The parties shall serve their respective Fed. R. Civ. P. 26(a)(1) and Local Rule 26.2 Statements on or before December 5, 2005. Fact discovery shall commence immediately thereafter.
2. Fact discovery shall be completed by August 3, 2006.

**B. CLASS CERTIFICATION BRIEFING**

1. Plaintiffs shall file their motion for class certification on or before December 14, 2005.
2. Discovery as to class certification issues only shall be completed no later than ninety (90) days following the filing of Plaintiffs' motion for class certification.
3. Defendant shall file its opposition to Plaintiffs' motion for class certification no later than thirty (30) days following the completion of discovery as to class certification issues only.
4. Plaintiffs' reply papers, if any, shall be filed no later than twenty (20) days following the filing of Defendant's opposition to plaintiffs' motion for class certification.

Oral argument to be scheduled at the Court's convenience.

**C. EXPERT DISCOVERY**

1. Plaintiffs shall identify their trial experts pursuant to Fed. R. Civ. P. 26(a)(2)(A) and produce expert reports pursuant to Fed. R. Civ. P. 26(b)(4)(A) by July 5, 2006.
2. Defendant shall identify its trial experts pursuant to Fed. R. Civ. P. 26(a)(2)(A) and produce expert reports pursuant to Fed. R. Civ. P. 26(b)(4)(A) by July 25, 2006.
3. Plaintiffs may supplement their expert disclosures to provide rebuttal expert testimony by August 9, 2006.
4. Defendant may supplement its expert disclosures to provide rebuttal expert testimony by August 24, 2006.
5. The parties shall complete expert discovery depositions by September 15, 2006.

**D. DISPOSITIVE POST-DISCOVERY MOTIONS**

Dispositive motions shall be filed by October 6, 2006.

**II. TRIAL BY MAGISTRATE**

At this time, the parties are not prepared to consent to trial by a Magistrate Judge.

**III. ALTERNATIVE DISPUTE RESOLUTION**

The parties will seek to schedule alternative dispute resolution proceedings by the end of August, 2006.

**IV. PRE-TRIAL CONFERENCE**

A pretrial conference shall be held at the Court's discretion.

**V. MODIFICATION OF THE SCHEDULE**

All dates set forth herein may be modified subject to written agreement of the parties and approval by the Court, upon motion to the Court for good cause shown or upon the Court's own initiative.

**VI. CERTIFICATION PURSUANT TO LOCAL RULE 16.1(D)(3)**

The parties have filed the certifications required by Local Rule 16.1(D)(3). (See Docket Nos. 18 and 19.)

Dated: November 22, 2005  
Boston, Massachusetts

/s/ John Peter Zavez  
John Peter Zavez (BBO #555721)  
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Counsel for Plaintiffs  
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SO ORDERED:

Dated: \_\_\_\_\_

Respectfully submitted,

/s/ James R. Carroll  
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William G. Young  
United States District Chief Judge